

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BENSLEY CONSTRUCTION, INC., on its own
behalf and on behalf of all others similarly situated,

Plaintiff,

v.

MARSH & MCLENNAN COMPANIES, INC.,
MARSH, INC., ACE USA, ACE INA, AMERICAN
INTERNATIONAL GROUP, AMERICAN
REINSURANCE COMPANY, ARTHUR J.
GALLAGHER & CO., HILB ROGAL & HOBBS,
COMPANY, WILLIS GROUP HOLDINGS, LTD.,
WILLIS NORTH AMERICA INC., WILLIS GROUP
LTD., UNIVERSAL LIFE RESOURCES,
UNIVERSAL LIFE RESOURCES, INC. (d/b/a ULR
INSURANCE SERVICES, INC.), THE CHUBB
CORPORATION, USI HOLDINGS, INC., METLIFE,
INC., PRUDENTIAL FINANCIAL, INC.,
UNUMPROVIDENT CORPORATION, THE ST.
PAUL TRAVELERS COMPANIES, INC., ZURICH
AMERICAN INSURANCE COMPANY, LIBERTY
MUTUAL GROUP INC., LIBERTY MUTUAL
INSURANCE COMPANY, LIBERTY MUTUAL
FIRE INSURANCE COMPANY, EMPLOYERS
INSURANCE COMPANY OF WAUSAU, and ST.
JAMES INSURANCE COMPANY LTD.,

Defendants.

Civil Action No. 05 11249 GAO

**NOTICE OF WITHDRAWAL OF MOTION FOR ENLARGEMENT OF TIME
TO FILE RESPONSE TO THE AMENDED CLASS ACTION COMPLAINT**

Defendants Marsh & McLennan Companies, Inc., Marsh, Inc., ACE USA, ACE
INA, American International Group, Inc., American Reinsurance Company, Arthur J.
Gallagher & Co., Hilb Rogal & Hobbs Company, Willis Group Holdings, Ltd., Willis

North America Inc., Willis Group Ltd., Universal Life Resources, Universal Life Resources, Inc. (d/b/a ULR Insurance Services, Inc.), USI Holdings, Inc., MetLife, Inc., Prudential Financial, Inc., UnumProvident Corporation, The St. Paul Travelers Companies, Inc., and Zurich American Insurance Company,¹ (collectively “Defendants”) hereby gives notice that Defendants are withdrawing the Motion for Enlargement of Time to File Response to the Amended Class Action Complaint, filed June 22, 2005.

¹ The Complaint names as a Defendant “American International Group” and not “American International Group, Inc.” In filing this stipulation, the named Defendants reserve any and all rights and defenses available under Rule 12 of the Federal Rules of Civil Procedure, including but not limited to, arguments concerning ineffective service of process, personal jurisdiction, and that any defendant is not a proper party to this action.

Dated June 29, 2005.

Marsh & McLennan Companies, Inc., and Marsh Inc., on their own behalf and on behalf of and with the consent of ACE USA; ACE INA; Zurich American Insurance Company; American International Group, Inc.; American Re-Insurance Company; Arthur J. Gallagher & Co.; Hilb Rogal & Hobbs, Company; Willis Group Holdings, Ltd.; Willis North America Inc.; Willis Group Ltd.; Universal Life Resources; Universal Life Resources, Inc. (d/b/a ULR Insurance Services, Inc.); USI Holdings Corp.; MetLife, Inc.; Prudential Financial, Inc.; UnumProvident Corporation; The St. Paul Travelers Companies, Inc.,

By: /s/ Joshua Vitullo

Daniel S. Savrin BBO #555434

Joshua Vitullo BBO #654310

Bingham McCutchen LLP

150 Federal Street

Boston, MA 02110

617-951-8000

Attorneys for Defendants Marsh & McLennan Companies, Inc., and Marsh Inc.

Mitchell J. Auslander, Esq.

John R. Oller, Esq.

Christopher J. St. Jeanos, Esq.

Kristin Branson, Esq.

Wilkie Farr & Gallagher LLP

787 Seventh Avenue

New York, NY 10019-6099

212-728-8000

Of Counsel for Defendants Marsh & McLennan Companies, Inc., and Marsh Inc

Philip T. Newbury BBO #370070
Mark J. Claflin BBO #657175
Howd & Ludorf, LLC
65 Wethersfield Ave.
Hartford, CT 06114
860-249-1361
Attorneys for Defendants
ACE USA and ACE INA

H. Lee Godfrey, Esq.
Neal S. Manne, Esq.
Johnny W. Carter, Esq.
Jeffrey R. Seely, Esq.
Susman Godfrey LLP
1000 Louisiana St., Ste. 5100
Houston, TX 77002
713-651-9366
Of Counsel for Defendants
ACE USA and ACE INA

Bruce W. Edmands, BBO #151360
Eckert Seamans Cherin & Mellott, LLC
One International Place
Boston, MA 02110
617-342-6886
Attorneys for Defendant
Zurich American Insurance Company

Brien T. O'Connor, BBO #546767
Timothy J. Casey, BBO #650913
Ropes & Gray LLP
One International Place
Boston, MA 02110
617-951-7000
Attorneys for Defendant
American International Group, Inc.

Roberta A. Kaplan, Esq., BBO #559570
Paul, Weiss, Rifkind, Wharton &
Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064
212-373-3000
Attorneys for Defendant
American International Group, Inc.

John F. Collins, Esq.
Molly Lehr, Esq.
Dewey Ballantine LLP
1301 Avenue of the Americas
New York, NY 10019
212-259-8000
Attorneys for Defendant
American Re-Insurance Company

Edwin M. Larkin, Esq.
Lina M. Viviano, Esq.
200 Park Avenue
New York, NY 10166-4193
212-294-6700
Of Counsel for Defendant
Arthur J. Gallagher & Co.

Terry M. Grimm, Esq.
Stephen C. Schulte, Esq.
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601312-558-5890
Of Counsel for Defendant
Arthur J. Gallagher & Co.

Juliane Balliro, BBO #028010
Perkins Smith & Cohen LLP
One Beacon Street, 30th Floor
Boston, MA 02108-3106
617-854-4000
*Attorneys for Defendant
Hilb Rogal & Hobbs, Company*

James V. Masella III, BBO #562882
Sullivan & Cromwell LLP
125 Broad Street
New York, NY 10004
212-558-4000
*Attorneys for Defendant Willis Group
Holdings, Ltd., Willis North America Inc.,
and Willis Group Ltd.*

Richard C. Pepperman II, Esq.
Anastasia A. Angelova, Esq.
Sullivan & Cromwell LLP
125 Broad Street
New York, NY 10004-2498
212-558-4000
*Of Counsel for Defendant Willis Group
Holdings, Ltd., Willis North America Inc.,
and Willis Group Ltd.*

David Gabianelli, Esq.
Ray L. Wong, Esq.
Ned M. Gelhaar, Esq.
Hancock Rothert and Bunshoft LLP
Four Embarcadero Center, Ste. 300
San Francisco, CA 94111
415-981-5550
*Of Counsel for Defendants Universal Life
and Resources, Universal Life Resources,
Inc. (d/b/a ULR Insurance Services, Inc.)*

Ian Crawford BBO #544475
Todd & Weld LLP
28 State Street, 31st Fl.
Boston, MA 02109
617-720-2626
Attorneys for Defendant USI Holdings Corp.

Robert H. Pees, Esq.
Vadim Sarma, Esq.
Akin Gump Strauss Hauer & Feld LLP
590 Madison Avenue
New York, NY 10022-2524
212-872-1000
*Of Counsel for Defendant
USI Holdings Corp.*

Daniel B. Winslow, BBO #541972
Patricia R. Rich, BBO #640578
Duane Morris LLP
470 Atlantic Avenue, Suite 500
Boston, MA 02210
617-289-9200
Attorneys for Defendant MetLife, Inc.

James W. Carbin
Eric Breslin
Duane Morris LLP
744 Broad St.
Newark, NJ 07102
973-424-2000
Of Counsel for Defendant MetLife, Inc.

Barry Y. Weiner BBO #519700
Maureen Mulligan BBO #556482
Ruberto, Israel & Weiner
100 North Washington Street
Boston, MA 02114
617-742-4200
*Attorneys for Defendant
Prudential Financial, Inc.*

John R. Middleton, Jr., Esq.
Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068
973-597-2582
*Of Counsel for Defendant
Prudential Financial, Inc.*

Joseph Hamilton, BBO #546394
Mirick, O'Connell, DeMallie &
Lougee, LLP
100 Front Street
Worcester, MA 01608-1477
*Attorneys for Defendant
UnumProvident Corporation*

Deborah E. Hryb, Esq.
Patrick W. Shea, Esq.
Paul, Hastings, Janofsky & Walker LLP
1055 Washington Blvd., 9th Floor
Stamford, CT 06901
203-961-7400
*Of Counsel for Defendant
UnumProvident Corporation*

David H. LaRocca, Esq.
Michael J. Garvey, Esq.
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, NY 10017
212-455-2377
*Of Counsel for Defendant The St. Paul
Travelers Companies, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Notice of Withdrawal of Motion for Enlargement of Time to File Response to the Amended Class Action Complaint was served upon the following by electronic notice and/or first-class mail on June 29, 2005:

Bensley Construction Inc.

Kenneth G. Gilman
Douglas J. Hoffman
Gilman and Pastor, LLP
60 State Street, 37th Floor
Boston, MA 02109

The Chubb Corporation

John A.D. Gilmore
DLA Piper Rudnick Gray Cary
One International Place, 21st Fl.
Boston, MA 02110-2600

Laura Besvinick, Esq.
Hogan & Hartson LLP
Mellon Financial Center
1111 Brickell Avenue, Suite 1900
Miami, FL 33131

Liberty Mutual Group Inc.
Liberty Mutual Insur. Company
Liberty Mutual Fire Insur.
Company
Employers Insur. Co. Of Wausau
St. James Insurance Company Ltd.

Ralph T. LePore, III, Esq.
James M. Tierney, Esq.
Holland & Knight LLP
10 St. James Avenue
Boston, MA 02116

/s/ Joshua Vitullo
Joshua Vitullo